

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16526-16550

[Approved by the Secretary of Agriculture, Washington, D. C., January 29, 1930]

16526. Misbranding of Nuremedy. U. S. v. 12 Dozen Packages of Nuremedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23526. I. S. No. 01548. S. No. 1507.)

On March 19, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen packages of Nuremedy, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Central Laboratories (Inc.), from Mount Vernon, Ill., on or about January 3, 1929, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained 1.4 grains of acetphenetidin and 2.42 grains of acetylsalicylic acid per tablet.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Guaranteed to contain no Acetanilid," and in the circular, "Nuremedy contains no Acetanilid," were false and misleading in that the said statements imported and signified to the purchaser that the article contained no ingredient or combination of ingredients with the effect of acetanilide, whereas it contained acetphenetidin, a derivative of acetanilide, which has the same effect as acetanilide. Misbranding was alleged for the further reason that the statements "Does not disturb the stomach" and "Does not Affect The Heart," appearing in the circular, were false and misleading, and for the further reason that the packages failed to bear a plain and legible statement on the label of the quantity of acetphenetidin, a derivative of acetanilide, contained therein, since the declaration was inconspicuous, was partly obscured by overprinting, and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton, front panel) "Recommended for * * * Neuralgia, Rheumatism * * * La Grippe," (carton, back panel) "Neuralgia * * * Rheumatism and Gout * * * La Grippe * * * Fevers and Chills * * * Influenza," (leaflet) "Sore Throat Gargle! Simple Sore Throat, Tonsilitis, relieved by dissolving two Nuremedy in four tablespoonfuls of warm water. Gargle every hour or two allowing a little to trickle down the throat. Do not rinse out mouth. * * * Fever, La Grippe, Chills * * * Backache, Lumbago * * * Directions for use * * * Earache * * * Periodic Pains, * * * Sore Throat Gargle Dissolve 2 Tablets in 4 tablespoonfuls of warm water, gargle every hour or two. Allow a little to trickle down the throat. Do not Rinse Out Mouth! * * * Nuremedy is a scientific combination of valuable ingredients for the speedy relief of * * * Neuralgia, Neuritis, Rheumatism * * * Sciatic Pains * * * Fever, La Grippe * * * when used according to the directions

knocks aches and pains for a row of Ash-Cans! Women's Pains * * * yield promptly to this wonderful remedy. * * * Get Instant Relief! * * * Prevent Pneumonia with its often fatal results. Nuremedy if taken in time (the cold stage) often prevents serious illness * * * Does not disturb the stomach * * * Does not Affect the Heart. With its Quicker action it is of particular value in Headaches of the habitual type, more especially those due to Difficult and Painful Menstruation, nervous condition, hysteria, mental exhaustion from overwork, also eye-strain. * * * For any pain use Gibb's Nuremedy," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16527. Adulteration and misbranding of Albolatum. U. S. v. 11 Dozen Tubes of Albolatum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23550. I. S. No. 02125. S. No. 1747.)

On April 1, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen tubes of Albolatum at San Juan, P. R., alleging that the article had been shipped from New York, N. Y., into Porto Rico, on or about December 26, 1928, by A. J. Fajardo, New York, N. Y., and that it was being sold and offered for sale in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of white petrolatum.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, on tube and carton, "An Antiseptic."

Misbranding was alleged for the reason that the following statements, borne on the labels, (tube) "An Antiseptic," (carton) "Antiseptic * * * An Antiseptic * * * Guaranteed * * * under the Food & Drugs Act, June 30, 1906," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labels, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof: (Tube) "Healing Emollient * * * for * * * Wounds * * * Sores * * * Piles, Ulcers, * * * all eruptions and inflamed conditions of the skin * * * Internally for Croup, Coughs, * * * Sore Throat, Diphtheria, etc.;" (carton) "Healing * * * for the External treatment of Flesh Wounds * * * Sores * * * Piles, Ulcers * * * all Eruptions and Inflamed conditions of the skin. * * * internally for Croup, Coughs, * * * Sore Throat, Diphtheria, etc."

On May 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16528. Misbranding of Creosotono. U. S. v. 2 Dozen Bottles of Creosotono. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23546. I. S. No. 02126. S. No. 1746.)

On March 23, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-